

# Occupational and Professional Licensing in Utah

Utah Department of Commerce

Division of Occupational and Professional Licensing

June 18, 2013

OPLR Committee

# DOPL Mission Statement

- Protect the Public and Enhance Commerce Through Licensing and Regulation

# Regulation Through Licensing



Protect the Public

Enhance Commerce

# Statutes

- DOPL Created in Title 58, Occupations and Professions
  - Chapter 1 – Creation of DOPL and Applicability to All Professions
  - Individual Professions in Title 58 Chapters
  - 58-1-107 The provisions of this chapter uniformly apply to the administration and enforcement of this title. However, unless expressly prohibited in this chapter, any provision of this chapter may be supplemented or altered by specific chapters of this title.
- Regulations Clarified in Corresponding Administrative Rule, R156, Occupational and Professional Licensing
  - Chapter 1 – Provisions Applicable to All Professions
  - Individual Professions in R156 Chapters

# “License” Defined

- Define a scope of practice: (58-67-102)
  - “Practice of medicine means to diagnose, treat.....”
- Limit who may do it: (58-67-301)
  - (1) A license is required to engage in the practice of medicine, on or for any person in Utah, as a physician and surgeon, except as specifically provided in Section 58-1-307 or 58-67-305.
- Define Standards and Prohibited practices
  - Application Requirements
  - Educational Standards
  - Operational Standards
  - Unlawful Conduct
  - Unprofessional Conduct

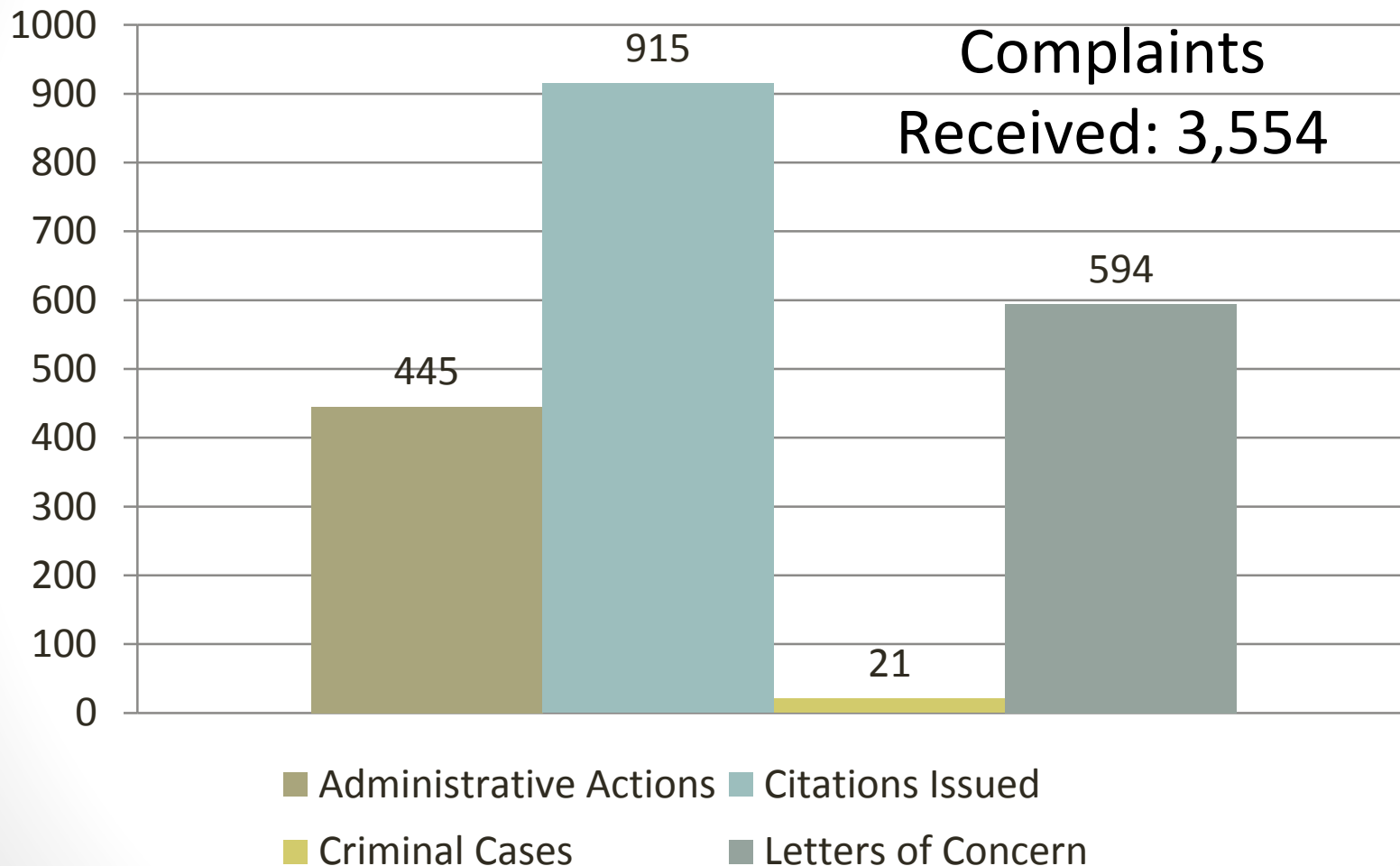
# Boards

- Each profession has an advisory board defined in statute
- Executive Director of Commerce and Governor select
- Composition: license holders and one or two public members
- Construction Services Commission: policy authority
- Duties:
  - recommending to the director appropriate rules;
  - recommending to the director policy and budgetary matters;
  - approving and establishing a passing score for applicant examinations;
  - screening applicants and recommending licensing decisions;
  - assisting the director in establishing standards of supervision;
  - acting as presiding officer in conducting hearings and in issuing recommended orders; and
  - Reviewing legislation on a limited basis

# Licensing Numbers

- DOPL
  - Total: 187,957
  - Cosmetology-related professions: 37,966
  - Nurses: 31,395
  - Contractors: 18,107
  - Pharmacies and Pharmacists/Technicians: 10,777
  - Electricians: 8,998
  - Engineers and Land Surveyors: 8,983
  - Physician/Surgeon: 8,913
  - Burglar Alarm Agents and Companies: 7,606
  - Massage Therapists: 6,369
  - Balance of 48 Other Professions: 48,843

# 2012 Case Resolutions





# Other Licensed Professions

- School Teachers (OSOE): 33,173
- Attorneys (Courts): 11,150
- Insurance Agents (Insurance Commission): 102,383
- Peace Officers (Public Safety): 9,481
- Securities (Commerce): 106,526
- Real Estate (Commerce): 26,924
- **DOPL Licenses: 187,957**

# Constant Legislative Activity

Year	DOPL-Related Bills Filed	DOPL-Related Bills Passed	OPLR-Type Bills Filed	OPLR-Type Bills Passed
2013	55	45	2	0
2012	68	49	1	0
2011	46	31	3	2

# Key Roles and Issues

- Administrative Role:
  - Efficiently Carry-Out Statutory Mandate
  - Balance Regulation and Commerce Within Statutory Framework
  - Reduce Unnecessary Administrative Business Regulation
  - Neutrality on Existence of Licenses
  - Prioritize Limited Resources
  - Work with and through Advisory Licensing Boards (Utah unique)
  - Inform Governor and Legislature on Regulatory/Resource Issues
  - No Prioritization of Professions for Elimination
- OPLR Role
  - Determine Existence of Licensed Professions
  - Review Existing Regulatory Schemes
  - Redefine Overlapping Scopes of Practice OR “Turf Battles”

# Questions?

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